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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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LY, N

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/758,356

Applicant(s)

ACUNA, VICTOR E.

Examiner

Nghi H. Ly

Art Unit

2682

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/12/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "number 16" as described in the specification (page 9, line 23). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "number 20 " has been used to designate both "voice mail" and "central platform". Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1,3,10,12,13,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Zicker et al (US 5,832,378).

Regarding claim 1, Zicker et al teaches a dual signaling channel telephone system, comprising:

A wired signaling channel (see number 24, fig.1) and a telephone set (see a telephone set connect to RJ-11 box, fig.1).

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A wireless signaling channel including a central platform (see number 12, fig.1) to receive messages from a message generator (see number 23, fig.1), and to generate a radio frequency signal (see number 10b, fig.1), and to broadcast the messages to a telephone set (see the zigzag line between 10b and base station 26).

Regarding claim 3, Zicker et al teaches that the wireless signaling channel transmits signals independently (see the zigzag line between 10a and an alternate line option 22, 10b and base station 26).

Regarding claim 10 and 17, Zicker et al teaches the first processor (see number 20, fig.1), and a central processor authenticating relevant portions of the messages (see column 15, line 43-51), and a second processor (see number 12, fig.1).

Regarding claim 11, Zicker et al teaches a RF translator (see fig.1, block 10b), a server including a database storing user profiles and related information (see number 23, fig.1).

Regarding claim 12, Zicker et al teaches a dual signal channel telephone system for use in a telephony network comprising a receiver (see number 26 fig.1) and output device to deliver the messages via the telephone (see RJ-11 connect to number 22, fig.1).

Regarding claim 13, Zicker et al teaches the output device is at least one of a speaker (see the telephone, fig.1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zicker et al (US 5,832,378) in view of Gordon (US 5,608,786).

Regarding claim 2, Zicker et al teaches a dual signaling channel telephone system, comprising: A wired signaling channel (see number 24, fig.1) and a telephone set (see a telephone set connect to RJ-11 box, fig.1). A wireless signaling channel including a central platform (see number 12, fig.1) to receive messages from a message generator (see number 23, fig.1), and to generate a radio frequency signal (see number 10b, fig.1), and to broadcast the messages to a telephone set (see the zigzag line between 10b and base station 26). Zicker et al fails to teach that the messages are conveyed to the telephone set and include indications, notifications or any information content for delivering via voice mail, e-mail, fax and internet. Gordon teaches that the messages are conveyed to the telephone set and include indications, notifications or any information content for delivering via voice mail, e-mail, fax and internet (see column 1, line 5 to 20). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to provide the above teaching of Gordon to the system Zicker et al, so that the user has more significantly freedom and choice regarding message retrieval.

7. Claim 4-7,8,9,14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zicker et al in view of Perry et al (US 6,160,489).

Regarding claim 4-7, 14 and 16, Zicker et al teaches a dual signaling device channel telephone system, comprising: a wired and wireless signaling channel including a telephone central office, a central platform to receive messages from a message generator and to generate a radio frequency signal activate by said central platform and to broadcast the message to a receiver-detector in each telephone set.

Zicker et al fails to disclose an indicating device. Perry et al disclose the system comprising an indicating device (see box 227, fig.2). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to provide the above teaching of Perry et al to the system Zicker et al, so that wireless communication device is adapted to generate a plurality of distinctive tactile alert pattern.

Regarding claim 8, Zicker et al teaches the messages are supplied to the network in at least one format (see X.25 between number 17 and number 23 fig.1).

Regarding claim 9, the telephone in Zicker et al inherently includes the limitation "audibly" or "visually".

Regarding claim 15, Zicker et al teaches the message from a network accessible device to a central platform (see connection of box 12 with PSTN and PC), and delivering the message received by the telephone on an output of the telephone (see antenna of box 26 and line24, fig. 1).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. West et al (US 4,922,517) discloses system for interfacing a standard telephone set with a radio transceiver.
- b. Wenk et al (US 6,253,088) discloses personal base station integrated cellular and cordless communication system.
- c. Rogers et al (US 5,946,386) discloses call management with call control from user workstation computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chang can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi Han Ly



September 10, 2001



**NGUYENT.VO**  
**PRIMARY EXAMINER**